

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-12, 17-27 and 33-40 are pending in the application, with claims 1 and 17 being the independent claims.

Claims 2 and 17 are amended and new claims 33-40 are sought to be added. New claims 33-36 are identical to previously canceled claims 13-16 and new claims 37-40 are identical to previously canceled claims 29-32. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the Requirement for Election of Species dated September 28, 2004, claims 1-32 were subject to an election requirement. In response, Applicants provisionally elected the claims of Species II (Figs. 2 and 3, claims 1-12 and 17-27) for prosecution. Applicants also withdrew claims 13-16 and 29-32 and canceled claim 28.

In the Office Action dated November 30, 2004, claims 1-12 and 17-27 stood rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-32 of Dauphinee *et al.*, U.S. Pat. No. 6,798,286, the parent of this application. The Examiner additionally stated that claims 13-16 and 29-32 were withdrawn from consideration.

In response to the Office Action dated November 30, 2004, Applicants submitted an Amendment and Reply dated January 3, 2005, canceling previously withdrawn claims 13-16 and 29-32. A Terminal Disclaimer over U.S. Pat. No. 6,798,206 was also submitted. The Examiner subsequently issued a Notice of Allowance, dated January 28, 2005, allowing claims 1-12 and 17-27.

Allowed Claims

Applicants thank the Examiner for the allowance of claims 1-12 and 17-27.

Telephone Conference of February 15, 2005

Applicants' representative thanks the Examiner for the courtesies extended during the telephone call on February 15, 2005. During the telephone call, the status of non-elected claims 13-16 and 29-32 were discussed. The Examiner indicated that Applicants' cancellation of claims 13-16 and 29-32 in the Amendment and Reply of January 3, 2005 precluded re-entry and consideration of the non-elected claims.

Rejoinder of Linked Inventions

Applicants respectfully submit that canceled claims 13-16 and 29-32 can be re-entered based on M.P.E.P. § 809, which states:

The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability. **Where such withdrawn claims have been canceled by applicant pursuant to the restriction requirement, upon the allowance of the linking claim(s), the examiner must notify applicant that any canceled, nonelected claim(s) which depends from or includes all the limitations of the allowable linking claim may be reinstated by submitting the claim(s) in an amendment.** Upon entry of the amendment, the amended claim(s) will be fully examined for patentability.

Allowed independent claims 1 and 17 are linking claims, in this case, "genus claims linking species claims" as defined by M.P.E.P. § 809.03. New claims 33-36

(corresponding to canceled claims 13-16) are species claims that depend from allowable generic claim 1. New claims 37-40 (corresponding to canceled claims 29-32) are species claims that depend from allowable generic claim 17. Therefore, new claims 33-40 are entitled to entry and consideration for patentability. In accordance with M.P.E.P § 714.16, Applicants believe that entry and consideration of claims 33-40 are needed for proper protection of Applicants' invention and requires no substantial amount of additional work on the part of the Examiner.

Amendments to the Specification

The specification is amended to correct a minor informality related to the description of Figure 3. The specification now conforms to Figure 3 as originally filed. This change is believed to introduce no new matter, and its entry is respectfully requested.

Amendments to the Figures

Figure 3 is amended to correct minor informalities related to the labeling of constituent reference elements. Figure 3 now conforms to the specification as originally filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Other Matters

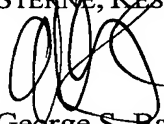
Claim 2 is amended to correct an antecedent basis issue. Claim 17 is amended to correct a minor typographical error. These amendments correct formal matters without changing the scope of the claims.

Conclusion

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided

Respectfully submitted,

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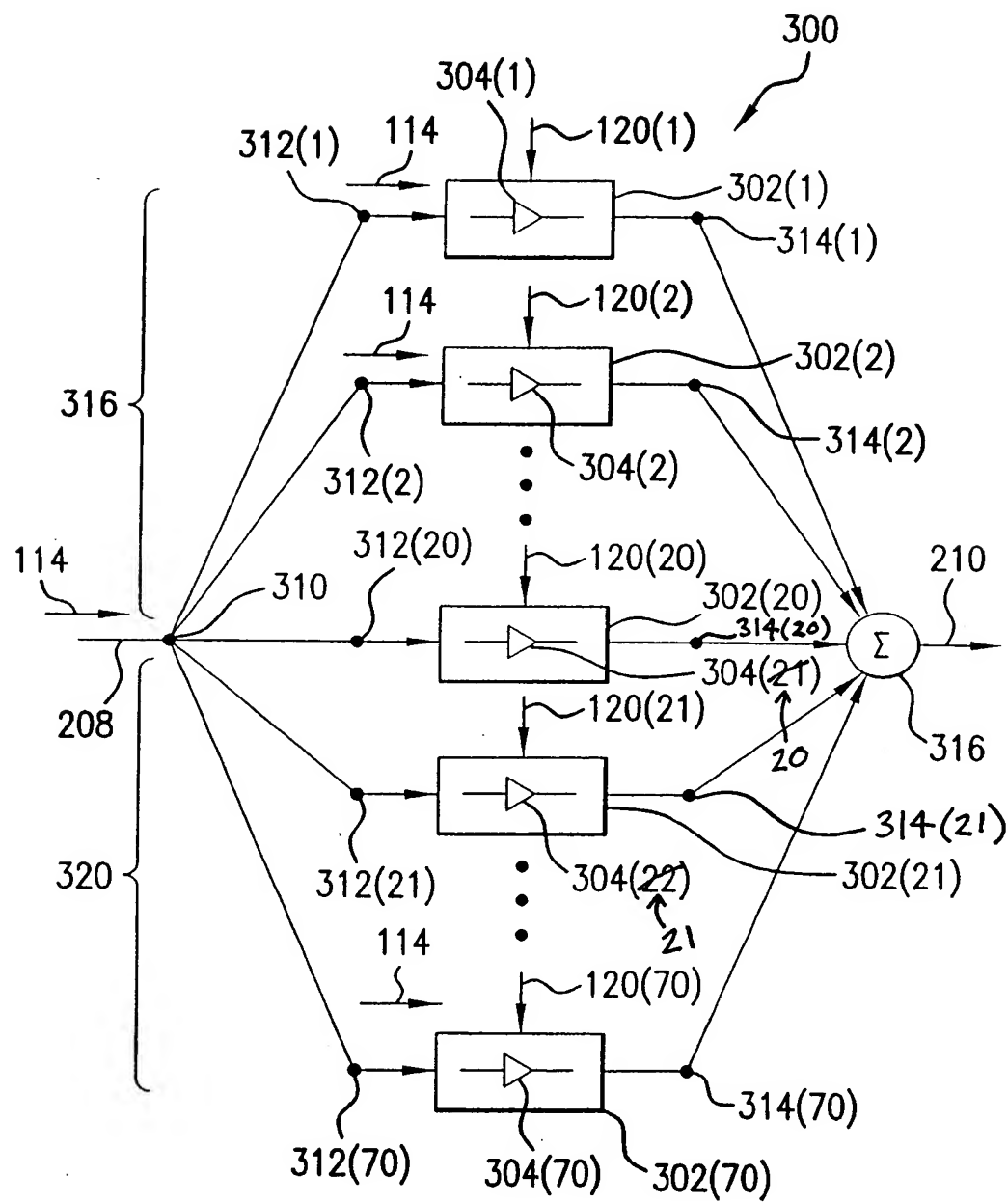
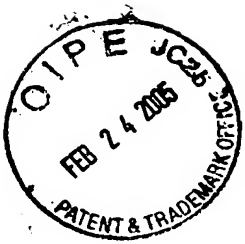


FIG.3